

REMARKS

Claims 1-13 remain in this application. Claim 1 is amended, Claim 13 is new. No new matter is introduced.

Applicant respectfully submits that the equation recited in the new Claim 13 is disclosed on page 8 of the Specification as originally submitted. No new matter is introduced.

Claims 1-8 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by Li (6,271,900). Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Li; Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Li in view of Ohtake et al (6,512,560). Applicant would like to traverse the Examiner's rejection below by pointing out several important differences between the device of the present invention and those taught by the references cited by the Examiner.

To better illustrate some of the key elements of the present invention, Claim 1, as amended, is duplicated below:

Claim 1:

1. A *diffractive* micro-structure color wavelength division device having a complex two-dimensional surface phase micro-structure wherein *said micro-structure has a distribution and geometric characteristic dimension calculated to provide a multiwavelength modulation function and form a diffractive micro-structure color wavelength division element* enabling wavelength division and focus of white light of an incident backlight source, so as to cause wavelength division and focus on different positions of space by three different spectrum regions of wavelengths of red, green, blue.

Applicant respectfully submits that the wavelength division device of the present invention

as recited in Claim 1, as amended, is fundamentally different from those taught in the prior art references cited by the Examiner, including the Li reference. Most importantly, the present invention recites a *diffractional* wavelength division device containing a two-dimensional surface phase micro-structure which has a distribution and geometric characteristic dimension calculated to provide a *multiwavelength* modulation function and form a *diffractional micro-structure color wavelength division element*. In comparison, the device taught in the Li reference is based on *reflection*. The two devices are totally different and patentably distinguishable.

Applicant respectfully submits that it has been clearly established that "anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention". Structural Rubber Prod. Co. v. Park Rubber Co. 223 USPQ 1264 (Fed. Cir. 1984). It has been held by the Federal Circuit that in order "[f]or a prior-art reference to anticipate, every element of the claimed invention must be *identically* shown in a single reference" (*emphasis added*). In re Bond, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). More recently the Federal Circuit reiterated that "a rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference". In re Paulsen, 31 USPQ 2d 1671 (Fed. Cir. 1994).

Applicant respectfully submits that, as discussed above, the wavelength division device of the present invention is fundamentally different from that of the Li invention in that the present invention involves a *two-dimensional diffractional surface* micro-structure, whereas, the Li invention is based on reflective color microlens. But more importantly, the Li reference never taught or suggested providing a *diffractional* wavelength division device containing a two-dimensional surface phase micro-structure which has a distribution and geometric characteristic dimension calculated to provide a *multiwavelength* modulation function and form a *diffractional micro-structure color wavelength division element*. Since at least these elements are missing from the Li reference, it cannot be said, as a matter of law, that the present invention is anticipated. Thus, the Examiner's Section 102 anticipation rejection seems to be in error and must be withdrawn.

Moreover, Applicant respectfully submits, with the diffractive device of the present invention, three respective spectrum regions of wavelengths of red, green, blue can be separated by a single diffractive element. In comparison, only one wavelength can be separated by a single microlens of the Li device, and separation of the RGB wavelengths would require at least three microlens. In other words, the Li reference also never taught or suggested providing a diffractive element which can cause wavelength division and focus on different positions of space by three different spectrum regions of wavelengths of red, green, blue. This is another key element that is missing from the Li reference.

Several distinct advantages are provided by the novel diffractive wavelength division device of the present invention. One of the main advantages of the present invention is that, because the device of the present invention involves a two-dimensional diffractive surface pattern, almost no light absorption will occur. In comparison, the Li device involves the use of reflective microlens as light filters. Light absorption by the reflective Li device is substantially greater than by the diffractive surface pattern of the present invention.

Applicant respectfully submits that, as discussed above, Claim 1, as amended, should be allowable. Claims 2-13, which depend from Claim 1, should also be allowable. A dependent claim should be considered allowable when its parent claim is allowed. In re McCarn, 101 U.S.P.Q. 411 (CCPA 1954).

In light of the foregoing, it is believed that the present invention is in condition for allowance. And Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner has any question, he or she is invited to call or fax Applicant's counsel at the telephone numbers below.

Respectfully Submitted,



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Date

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